

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

December 22, 2005

In the Matter of
Paul Knower

Docket No. 2005-238
File No. 304-223
Templeton

RECOMMENDED FINAL DECISION

Franklin A. Moschetti filed a Notice of Claim for an adjudicatory hearing seeking review of a Superseding Order of Conditions (SOC) issued by the Department to Paul Knower. On November 21, 2005 I issued an Order to File a More Definite Statement ordering the petitioner to file a copy of the appealed document by December 5, 2005, and to clarify the petitioner's standing to request an adjudicatory hearing. The November Order specified that failure to respond would result in the dismissal of the appeal pursuant to 310 CMR 1.01(6)b).

Nothing has been filed in response to the Order. I therefore recommend that this appeal be dismissed for failure to prosecute pursuant to 310 CMR 1.01(5)(a)15.f.v.vi, 1.01(6)(b) and 1.01(10).

NOTICE

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore

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not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Commissioner Robert W. Golledge, Jr., December 27, 2005.